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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,062	12/19/2001	Eric A. Whitehill	42516	9916

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EXAMINER

MEHRA, INDER P

ART UNIT PAPER NUMBER

2666

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/021,062	WHITEHILL, ERIC A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Inder P. Mehra	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/11/02</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This office action is in response to application dated: 12/19/01.

#### ***Claim Objections***

2. Claims objected to because of the following informalities:

Claims 2-4 recite "A communications node" in line 1. It should be "the communications node" in order to maintain antecedent basis, because this limitation is preceded by the same limitation in claim 1 line 1. Similar problem exists in claims 6-7, where in "A mobile wireless ad-hoc communications network" should be "the mobile wireless ad-hoc communications network". Further similar problem exists in regard to dependent claims 9-11, 13-14, and 16-18.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5-7, 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- a. Claim 5 recites the following limitation "said node" in line 6 and "said another node" in line 9. There is no antecedent basis for these limitation in the claim.
- b. Claim 7 recites the following limitations "the PSTN" in line 3 and "the internet" in line " in line 4. There is no antecedent basis for this limitation in the claim.
- c. Claim 11 recites the limitation "said communications nodes" in line 3. There is no antecedent basis for this limitation in the claim.
- d. Claim 12 recites the limitation "said node " in line 7. There is no
- e. antecedent basis for this limitation in the claim.

**Note:** *There are similar problems of antecedent basis in rest of the claims. Appropriate action be taken to correct them.*

- f. **Claims 1, 3-5, 11-12, and 15, 17 and 18 recite limitations "adapted to" and "adapted for". Under MPEP 2106, page 2100-8, "language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation Appropriate action/correction be made.**

### ***Claim Rejections - 35 USC § 102***

- 6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1, 4-5, 8, 11-12, 15 and 18 are rejected under 35 U.S.C. 102(e) as being by **Schilling et al** (US Patent Application No. 2002/0067756), hereinafter, '756.

For claims 1, 5, 8, 11-12, 15, and 18, '756 discloses "A communications node, adapted for use in a mobile wireless ad-hoc communications network, refer to figs. 2-5, refer to paragraphs 0001, 0010, 0012, comprising:

- a transceiver, adapted to transmit and receive messages to and from other nodes in said network, refer to figs. 4-5, paragraphs 0010 and 0012; and
- a controller, adapted to control said transceiver to spread a transmission message for transmission to a destination node in said network based on information pertaining to an address of said destination node and information pertaining to at least one other factor, refer to fig. 340 in figs. 4-5, refer to paragraphs 0012, 0014, 0015, and 0036.
- Wherein said network includes at least one access point (Hub node), adapted to enable said node to communicate with a network other than said network; and said destination node includes said access point, **as recited by claims 4, 11 and 18**, refer to abstract, paragraphs 0014-0015.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 6, 9, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over '756, as above in view of **Schilling et al** (US Patent No. 6,512,784), hereinafter, '784

For claims 2, 6, 9, 13 and 16, '756 discloses all the limitations of subject matter, with the exception of the following limitations, which are disclosed by '784, as follows:

\* wherein: said at least one other factor includes at least one of a network prefix, time of day, and provider information, refer to col. 13 lines 30-35 and col. 19 lines 20-30.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of "**wherein: said at least one other factor includes at least one of a network prefix, time of day, and provider information**", as taught by '784. The capability can be implemented by controller. The motivation is to improve efficiency of packet-switched system.

10. Claims 3, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over '756, as above in view of **Breed et al** (US Patent Application No.2005/0137786), hereinafter, '786

For claims 3, 10 and 17, '756 discloses all the limitations of subject matter, with the exception of the following limitations, which are disclosed by '786, as follows:

- wherein said network includes a multi-channel mobile wireless ad-hoc network; and said transceiver is adapted to transmit and receive said messages to and from said other nodes in said multi-channel mobile wireless ad-hoc network.

It would have been obvious to the person of ordinary skill in the art at the time the

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invention to use the capability of “wherein said network includes a multi-channel mobile wireless ad-hoc network; and said transceiver is adapted to transmit and receive said messages to and from said other nodes in said multi-channel mobile wireless ad-hoc network”, as taught by ‘786. The capability can be implemented by controller. The motivation is to avoid collision, and improve navigation, communication and control related fields.

11. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘756, as above in view of **Difonzo et al** (US Patent Application No. 2005/0164664), hereinafter, ‘664.

For claims 7 and 14, ‘756 discloses all the limitations of subject matter, with the exception of the following limitations, which are disclosed by ‘664, as follows:

- wherein said other network includes at least one of the PSTN, another ad-hoc network and the Internet, refer to fig. 4 and paragraph 0031.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of “wherein said other network includes at least one of the PSTN, another ad-hoc network and the Internet”, as taught by ‘664. The capability can be implemented by controller. The motivation is to improve efficiency of packet-switched system.

### ***Prior Art of Record***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Turina et al (US Patent Application No. 2005/0054348) discloses signaling in a mobile cellular communication network with pooled MSCs.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Inder Pal Mehra* 8/4/05  
Inder P Mehra  
Examiner  
Art Unit 2666

*DN*

DANG TON  
PRIMARY EXAMINER